

**STATEMENT OF
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THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON HEALTH
COMMITTEE ON VETERANS AFFAIRS'
UNITED STATES HOUSE OF REPRESENTATIVES
ON**

**HR 4020, THE STATE VETERANS' HOMES NURSING RECRUITMENT AND
RETENTION ACT OF 2004; HR 4231, THE DEPARTMENT OF VETERANS AFFAIRS
NURSE RECRUITMENT AND RETENTION ACT OF 2004; HR 3849, THE MILITARY
SEXUAL TRAUMA COUNSELING ACT OF 2004; HR 4248, THE HOMELESS
VETERANS ASSISTANCE REAUTHORIZATION ACT OF 2004; AND A BILL (MR.
SIMMONS) TO REFORM THE QUALIFICATIONS AND SELECTION CRITERIA
FOR THE POSITION OF UNDERSECRETARY FOR HEALTH**

MAY 6, 2004

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to present The American Legion's view on the several pieces of legislation being considered by the Subcommittee today. The American Legion commends the Subcommittee for holding a hearing to discuss these important and timely issues.

HR 4020, "The State Veterans' Homes Nursing Recruitment and Retention Act of 2004"

This bill provides an incentive for nurses to be hired on or remain as employees of State Veterans Homes (SVHs) by providing payments to SVHs that offer an employee incentive scholarship or other incentive programs designed to promote hiring and retention of nursing staff. The payments to SVHs would cover up to 50% of the cost for each nurse employee up to 2% of the per diem payments received by the SVH in a fiscal year. In cases where a nurse employee refunded the incentive to the SVH for non-completion or other "breach" of the program requirements, the SVH would be allowed to retain the funds in its incentive program account as non-Federal funding. The incentives would be funded from existing SVH Per Diem accounts.

The American Legion applauds the intent of this bill to create incentives for qualified nurses to work with the residents of our State Veterans Homes. This bill, however, will create yet another unfunded mandate for the Veterans Health Administration (VHA) to absorb from its already inadequate budget. The American Legion believes that any new program or benefit should be accompanied by adequate appropriations to pay for it.

HR 4231, “The Department of Veterans Affairs’ Nurse Recruitment and Retention Act of 2004”

Section 2 creates a one-year pilot program in a Veterans Integrated Service Network (VISN) that is currently experiencing the adverse effects of the ongoing nursing shortage. The project would assess the effectiveness of innovative human-capital tools and techniques in hiring and retaining nurses in VA healthcare facilities through the use of proven private sector techniques, including employer branding, interactive advertising, automated staffing systems and the use of recruitment, advertising and communications agencies. Section 2 would further streamline the hiring process by revising procedures and systems for selecting and hiring qualified nurses. Where enabling legislation is required to carry out this mandate, VA is to submit proposals to the Committees on Veterans Affairs of both chambers.

VA should take advantage of all opportunities to deal with its current shortage of nurses. The American Legion favors this pilot program that will utilize state-of the-art recruitment and advertising technologies.

Section 3 establishes a variety of new alternative work schedules to attract qualified nurses to work for VA. Flexible work schedules have long been used by the private healthcare sector to attract nursing personnel. This legislation will not only attract nurses who would have opted for other positions because of scheduling issues, but will provide Medical Center directors needed flexibility in staffing. The American Legion does not oppose this provision.

Section 4 amends Title 38, United States Code to prohibit VA from barring appointment of registered nurses (RNs) who do not have Bachelor’s degrees. We note that the current language of 38 U.S.C. § 7403(g)(1)(A) does not currently require a baccalaureate degree, but “ a recognized degree or certificate from an accredited institution in a healthcare profession....” This language allows VA to hire RNs who have Associates degrees in nursing from many of this nation’s fine community college and other nursing schools.

This legislation appears intended to obviate a VA policy plan to hire only baccalaureate level RNs by October 2005. The American Legion understands the desire of VHA to upgrade its professional nursing staff; however, the plan would prove counterproductive and would reduce the pool of potential nurse-employees at a time when it is already disadvantaged by generally low salaries, high nurse-patient ratios and other factors contributing to VA’s nursing shortage. The American Legion has no formal position on this issue, but believes that otherwise qualified RNs should not be precluded from VA employment for lack of a four-year college degree.

HR 3849, “The Military Sexual Trauma Counseling Act of 2004”

HR 3849 makes permanent the extension of authority for VA to provide military sexual counseling through 2004 under Pub. L. 106-177, The Veterans Millennium Health Care and Benefits Act. The American Legion supported the previous extension of this program established by Pub. L. 102-585, The Veterans Health Care Act of 1992 - Title I: Women Veterans Health Programs. This legislation authorized VA to treat veterans for military sexual trauma without a showing of service connection. It is estimated that a full 25 percent of female veterans and 2

percent of male veterans experience some sexual trauma while in the service, yet these incidents go largely unreported out of fear. The American Legion is pleased to support this measure.

HR 4248, “The Homeless Veterans Assistance Reauthorization Act of 2004”

HR 4248 extends the authority of VA to make grants to assist eligible entities in establishing programs to furnish, and expanding or modifying existing programs for furnishing outreach, rehabilitative services and vocational counseling and training to homeless veterans to September 2008. The amounts of appropriations authorized would increase in fiscal year 2004 from \$75 million to \$100 million and appropriate \$100 million for each fiscal year through 2008.

The current administration vowed to end the scourge of homelessness within ten years. On any given night in this nation over 299,000 veterans are homeless. Less than 9 percent of our country’s population served in the military and yet 34 percent of our nations’ homeless are veterans and three-quarters of those are wartime veterans. \$166 per homeless veteran per year for the next five fiscal years is not adequate support for intervention at the Federal level. The American Legion supports funding that will make a real impact on the problem of homeless veterans in this country.

Draft Legislation Regarding the qualifications and requirements of the Undersecretary of Health

The American Legion has some concerns regarding the changes in the appointment process outlined in this proposed legislation. The American Legion wants to ensure that the appointment process for the Undersecretary of Health is adequate in determining only the most highly qualified individuals are considered.

While The American Legion has no official position on this draft legislation, it is important that we fully understand the intentions of the changes that will take place as a result of this legislation.

Conclusion:

Mr. Chairman, The American Legion once again thanks you and the Subcommittee for its continued support of our veterans and looks forward to help improve and gain passage of legislation that addresses the health and quality of life for those who have served in our nation’s Armed Forces.